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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 MARCUS R. ELLINGTON,

11 Plaintiff,

No. CIV S-04-0666 DFL KJM P

12 vs.

13 E.S. ALAMEIDA, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff is a prisoner proceeding pro se with a civil rights action. On June 17,
17 2005, the court issued findings and recommendations, recommending that plaintiff's request for a
18 temporary restraining order and a preliminary injunction be denied for his failure to notify the
19 defendants.

20 On June 27, 2005, plaintiff filed objections, noting that he has now given notice to
21 defendant Rohlfing and to David Runnels, the Warden of High Desert State Prison. Moreover,
22 on June 29, July 5, July 6, July 8, July 18, and August 8, 2005, plaintiff has filed additional
23 documents supporting his request for the use of a wheelchair for a limited time, to allow him
24 access to the law library in order to make the necessary copies for service of the complaint.

25 The court intends to act on plaintiff's request for a temporary restraining order
26 within thirty days from the date of this order. If defendants wish to take any position with respect

1 to plaintiff's request, they may do so within twenty-one days from the date of this order.

2 Accordingly, IT IS ORDERED:

3 1. The findings and recommendations of June 17, 2005 are hereby vacated;

4 2. Any filing by defendants in response to plaintiff's request for a temporary
5 restraining order shall be filed within twenty-one days of this order; and

6 2. The Clerk's Office is directed to send a copy of this order to Warden David
7 Runnels and Doctor Rohlfing at High Desert State Prison.

8 DATED: August 12, 2005.

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11 UNITED STATES MAGISTRATE JUDGE
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